

**THE FOLLOWING MINUTES WERE ADOPTED AT THE APRIL 28, 2016 MEETING OF  
THE MANDEVILLE CITY COUNCIL. MANDEVILLE CITY COUNCIL MINUTES  
FOR THE MEETING OF APRIL 14, 2016**

The regular meeting of the Mandeville City Council was called to order by the Council Chairman at 6:00 p.m. Following the call to order, a moment of silence was observed and the Pledge of Allegiance was recited.

**PRESENT:** Rick Danielson, David Ellis, Carla Buchholz, Ernest Burguieres, Clay Madden

**ABSENT:**

**ALSO PRESENT:** Edward Deano, City Attorney; David deGeneres, Public Works Director; Frank Oliveri, Finance Director; Henry DiFranco, City Engineer

**MINUTES:**

1. Adoption of the March 24, 2016 Meeting Minutes.

A motion was made by Mr. Burguieres and seconded by Mrs. Buchholz to adopt the minutes of March 24, 2016. There being no further questions or comments, the motion passed 5-0.

**REPORTS AND ANNOUNCEMENTS:**

Mrs. Buchholz wanted to remind everyone about the Keep Mandeville Beautiful Cleanup this Saturday at the Harbor, it is also going to be in conjunction with the water works fair from Public Works Mr. Madden stated this Saturday is the Classic Car Show at the Lion's Club.

Mr. Oliveri wanted to remind everyone that this month the Mayor has proclaimed to be Fair Housing Month. He read the proclamation which was signed by the Mayor.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

1. Approval of special event liquor license for George's Mexican Restaurant, Cinco de Mayo, Thursday, May 5, 2016 from 5:00pm to 10:00 pm to be located at 1461 North Causeway Blvd, no rain date. (Offered by Carla Buchholz, Council District II).

A motion was made by Mrs. Buchholz and seconded by Mr. Burguieres. Mrs. Buchholz commented this is for their annual Cinco de Mayo festivities. Mr. George noted his band will stop at 9:30pm. Without further comment or questions, the motion passed 5-0.

2. Approval of special event liquor license for La Caretta's Mexican Restaurant, Cinco de Mayo, Thursday, May 5, 2016 from 11:00 am to 10:00 pm to be located at 1200 W. Causeway Approach, no rain date. (Offered by Clay Madden, Council-at-Large).

A motion was made by Mr. Ellis and seconded by Mr. Burguieres-. Mr. Madden commented this is for their Cinco de Mayo celebration. Mr. Ellis asked if they could set up the stage the same as last year because he did not hear of any noise complaints. Without further comment or questions, the motion passed 5-0

3. Adoption of [Resolution No. 16-08](#); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO REQUEST AN OPINION FROM THE LOUISIANA ATTORNEY GENERAL FOR THEIR OPINION ON THE RETROPAY AND SALARY INCREASE OF DIRECTORS WITHOUT COUNCIL APPROVAL FOR THE CITY OF MANDEVILLE (Offered by Ernest Burguieres, Council District III).

A motion was made by Mr. Burguières and seconded by Mr. Danielson for the adoption of Resolution No. 16-08. Mr. Burguières commented this is a resolution to request an AG opinion on the legality of the mayor's 8.5% retroactive pay raise to department heads that was implemented in March without consultation or approval from the Council despite this being discussed at the budget hearings. Mr. Madden wanted to state he was asked by the administration to make a motion to amend the resolution to send it to the city attorney first. According to the rules adopted by the council, the city attorney is to draft the opinion and then send to the AG for approval. (Res. 13-41). This was seconded by Mrs. Buchholz. Mr. Deano stated this should go to the city attorney and if the council is not satisfied then they would pass a resolution to ask the city attorney to draft an opinion. This is the way they have operated in the past.

Mr. Burguières disagreed stating the resolution says "council may request a legal opinion" and does not mean they must go through the city attorney's office. This resolution was sent to the city attorney's office and he has not heard of any changes that need to be made. It also states "this resolution shall not limit any Council member's ability to secure opinions from the LA Board of Ethics, the Legislative Auditor or any other source". Mrs. Buchholz asked what is the harm of having the city attorney process the opinion, it would be more transparent. Mr. Burguières stated this has a timing issue because it is a budgetary issue and he had an experience with an opinion last year regarding the public bid law that took Mr. Deano's office about 6 months. He feels this is a simple question and there is no reason to delay. Mr. Deano feels it should go through his office first and Ms. Pennison handled the public bid opinion and there were different circumstances. Mr. Danielson asked if Mr. Deano could have this opinion back by next Wednesday. Mr. Deano said he has never seen this resolution before tonight. Mr. Burguières asked the clerk if she sent this to Mr. Deano – "yes" was the response. Mr. Madden stated he did not have a problem sending it to the city attorney's office but we are working on a timeline with budgetary issues, so we need an answer. Mr. Burguières said the AG opinions takes between 60-90 days at times and they just need to know how to proceed with the budget. If the mayor did nothing wrong, fine, but if he did not have authority then we need to know how to proceed. Not just for the city's sake but how to proceed with the directors and the money they received. Mr. Burguières said this was unexpected and he thought should have come with a budget adjustment but they never received one. Mr. Ellis asked if we could proceed with the agenda and have Mr. Deano review the questions and get back with them at the end of the agenda. Mr. Deano replied he does not have all the facts for some of the questions (question 4 and 6). Mr. Burguières said at the last council meeting the questions were brought up and that was 3 weeks ago, with no discussion since then. Mrs. Buchholz stated she and Mr. Madden did speak with the mayor about this issue and agreed on the pay raise. Mr. Madden agreed but stated the mayor never put it on the agenda and he asked the mayor several times (twice before December and once in January) and no action was taken. Mr. Madden said all five council members should be privy to the discussion and given the opportunity to express their opinion, but the legislative process was taken out of the process. Mr. Burguières called the question of the amendment. The call to question was approved 5-0. Mr. Madden asked if there were any more questions, without further discussion the vote on the amendment to refer this to the city attorney office failed 4-1 (Buchholz for).

Mr. Madden went back to the resolution as written and asked for any questions. Mr. Danielson stated the whole point boiled down to communication. If they had been involved in this discussion in October, we would not be here. He thinks everyone knows what the opinion would be from the city. Mr. Pulaski asked what happens after it goes to the AG. If the AG says the mayor had the right, then ok. If the AG says he was wrong, then what is the next step? What effect does the AG opinion have over the mayor; he does not know the answer. Has the Council thought of that and the potential conflict of the AG and Mr. Deano's office, what if their opinions differ? He wants the council to be aware of all potential ramifications. Mr. Pulaski talked with Mr. Burguières and Mr. Burguières thought the AG opinion has more authority and Mr. Pulaski feels it is not law, it's just an opinion. Mr. Danielson stated if there was not authority then we have a budgetary issue. Mr. Madden feels an AG opinion trumps the city's opinion; it is an opinion from the state. There being no further questions, the motion to adopt Resolution No. 16-08 passed 5-0.

4. Adoption of [Resolution No. 16-09](#): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE PROCLAIMING THE MONTH OF APRIL 2016 AS CHILD ABUSE PREVENTION MONTH (Offered by Clay Madden, Council-at-Large)

A motion was made by Mr. Danielson and seconded by Mr. Ellis for the adoption of Resolution No. 16-09. Mr. Madden stated he is a member of the West St. Tammany Exchange Club with Mr. Oliveri and one of their projects is to increase the awareness of child abuse. Mr. Madden has some caps available for free or a small donation and would like everyone to wear their cap on the last Friday in April, the 29<sup>th</sup> in support of this cause. Mr. Oliveri read the proclamation signed by the mayor. There being no further questions, the motion to adopt Resolution No. 16-09 passed 5-0.

**PUBLIC COMMENT:**

Mr. Danielson wanted to recognize Sean Noel who is here from the Boy Scouts along with several students from SSA and Sean Pederson, the Council's intern. He noted it is good to see so many young students interested in government and learning about the governmental process.

**PROJECTS IN PROGRESS (STATUS REPORT):**

Capital roadway maintenance project -Task order 4

Drainage work in progress

- Fontainebleau Subdivision drainage – Mr. Ellis is working on a drainage spreadsheet
- Golden Glen Subdivision clean up and sodding
- Heavens Drive culvert replacement and ditch grading

Future work:

Jefferson Street Drainage

Task order 5

- Golden Glen clean up and sodding (Lisa Lane, Aynne Drive, and Corin Parkway)

Water & sewer maintenance -Task order 3

- Sewer & water repair work in progress – 68% complete

Lift stations 22, 23 & 33

- LS 33 under construction should finish next week.

Old golden shores waterlines

- Contractor working water main installation on Causeway Service Road by directional drilling between Copal and Monroe

Public works equipment shelter

- Complete

Mrs. Buchholz inquired about the striping in Golden Glen and the work on the bridge. Mr. deGeneres said he is not sure if the striping was included in the bid so it might be a while and the bridge, they are "working on it".

**ADJOURNMENT:**

Mr. Burguières made a motion to adjourn the meeting, seconded by Mr. Ellis. Mr. Madden adjourned the meeting at 6:45 p.m.

  
\_\_\_\_\_  
Kristine Scherer

Council Clerk

  
\_\_\_\_\_  
Clay Madden  
Council Chairman